

COMMONWEALTH OF MASSACHUSETTS
DISTRICT OF MASSACHUSETTS

Civil Action No. 1 19-cv-11093ADB

Paul Jones,

Plaintiff

v.

MONTACHUSETTS REGIONAL TRANSIT AURTHORITY, HB SOFTWARE SOLUTIONS, INC, REBECCA BADGLEY, DONNA LANDRY, BONNIE MAHONEY, KAREN CORDIO, JOANNE NORRIS, STEPHANIE RICHARDS, TAMARA SHUMOVSKAYA, JESSICA TORRES, AMANDA KUKTA, ROBERT MONK, MICHELLE MOYO, IVAN ROMAN, CRYSTAL GEISERT, JANE DOE and JOHN DOE,

Defendants

DEFENDANT, MONTACHUSETTS REGIONAL TRANSIT AUTHORITY'S MOTION TO ENLARGE TIME TO FILE RESPONSIVE PLEADING

Now come the Defendants, Montachusetts Regional Transit Authority and its current and former employees, Rebecca Badgley, Donna Landry, Bonnie Mahoney, Karen Cordio, Joanne Norris, Stephanie Richards, Tamara Shumovskaya, Jessica Torres, Amanda Kukta, Robert Monk, Michelle Moyo, Ivan Roman, Crystal Geisert, Jane Doe and John Doe (the "Defendants") and hereby respectfully move this Honorable Court to enlarge the time period for answering or otherwise responding to the Verified Amended Complaint for a period of thirty (30) days up to and including August 5, 2019.

As grounds for this Motion, the Defendants state as follows:

1. On or about June 14, 2019, the Plaintiff filed the Verified Amended Complaint with this Honorable Court.
2. On June 14, 2019, the Plaintiff sent a copy of the Verified Amended Complaint to the Defendants via e-mail. A true and accurate copy of the e-mail correspondence from the Plaintiff to the Defendants is attached hereto as Exhibit A.
3. Defendants do not acknowledge that the electronic mailing of the Verified Amended Complaint by the Plaintiff to the Defendants was proper service in accordance with Fed. R. Civ. P. 4 and 5.
4. However, to the extent this Honorable Court finds that service of the Verified Amended Complaint by e-mail was proper on June 14, 2019, the deadline to file an answer or other responsive pleading would be Friday, July 5, 2019 in accordance with Fed. R. Civ. P. 12(a)(1).
5. Defendants sent a copy of the Verified Amended Complaint to their insurance carrier, Chubb North American, who acknowledged the claim on or about June 27, 2019.
6. As of the date of this Motion, the Defendants await a determination from the insurance carrier as to whether or not it will provide coverage on the matter.
7. Therefore, the Defendants seek an additional thirty (30) days to file an answer or responsive pleading to allow for adequate time for receipt of a determination on coverage from the insurance carrier.
8. By the filing of this Motion, the Defendants do not acknowledge that service in this matter was proper and do not waive the right to raise the issue of improper service in any responsive pleading filed within the timeframe requested in this Motion.

WHEREFORE, the Defendants respectfully request that this Court enlarge the time in which it must file its answer or other responsive pleading to August 5, 2019.

MONTACHUSETTS REGIONAL TRANSIT AUTHORITY,

By its attorneys,

/s/ Mark R. Reich

Mark R. Reich (BBO# 553212)

Robin Stein (BBO# 654829)

Jessica D. Bardi (BBO# 694647)

KP Law, P.C.

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Date: July 3, 2019

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CERTIFICATE OF COMPLIANCE WITH L.R. 7.1(A)(2)

Pursuant to Local Rule 7.1(A)(2) of the United States District Court for the District of Massachusetts, counsel for the defendants hereby certifies that she conferred with the pro se plaintiff regarding the within motion by emailing a copy of the within motion to the pro se plaintiff.

/s/ Jessica D. Bardi

CERTIFICATE OF SERVICE

I, Jessica D. Bardi, certify that the above document will be served by first-class mail upon any party or counsel of record who is not a registered participant of the Court's ECF system, upon notification by the Court of those individuals who will not be served electronically.

/s/ Jessica D. Bardi